
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Duquesne University)	File No. EB-10-PA-0100
Licensee of Radio Station W281AH)	
Facility ID # 140951)	NOV No. V201032400038
Somerset, Pennsylvania)	
)	
)	

NOTICE OF VIOLATION

Released: April 27, 2010

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Duquesne University, licensee of radio station W281AH in Somerset, Pennsylvania.
2. On April 14, 2010, agents of the Commission's Philadelphia Office inspected radio station W281AH located in Somerset, Pennsylvania and observed the following violations:
 - a. 47 C.F.R. § 74.1234(a)(2): "A station authorized under this subpart may be operated without a designated person in attendance if the following requirements are met... The transmitter shall be equipped with suitable automatic circuits which will place it in a nonradiating condition in the absence of a signal on the input channel." Station W281AH continued to operate and transmit an unmodulated carrier when the audio input was disconnected from the station's transmitter.
 - b. 47 C.F.R. § 74.1234(a)(1): "A station authorized under this subpart may be operated without a designated person in attendance if the following requirements are met... If the transmitter site cannot be reached promptly at all hours and in all seasons, means shall be provided so that the transmitting apparatus can be turned on and off at will from a point which is readily accessible at all hours and in all seasons." At the time of inspection, Duquesne University did not have the capability to promptly turn off the transmitter for station W281AH.

¹47 C.F.R. § 1.89.

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- c. 47 C.F.R. § 74.1284(b): “The licensee of an FM translator shall not rebroadcast the programs of any AM or FM broadcast station or other FM translator without obtaining prior consent of the primary station whose programs are proposed to be retransmitted.” In addition to rebroadcasting the signal of station WDUQ on 104.1 MHz for which it has authorization, an apparent equipment malfunction appears to have caused station W281AH to also rebroadcast the signal of station WAIJ on 103.9 MHz. Duquesne University had no authorization from He’s Alive, Incorporated, the licensee of station WAIJ, to rebroadcast the signal of WAIJ.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Duquesne University must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:
- Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047
4. This Notice shall be sent to Duquesne University at its address of record.
5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*